

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
HARDIN WIND LLC FOR A FOURTH
MODIFICATION TO ITS CERTIFICATE
ISSUED IN CASE NO. 13-1177-EL-BGN.

CASE NO. 17-759-EL-BGA

ENTRY

Entered into the Journal on April 10, 2017

{¶ 1} On March 17, 2014, the Ohio Power Siting Board (Board) granted applications filed by Hardin Wind LLC (Hardin Wind) for certificates to construct a wind-powered generation facility, a substation, and a transmission line in Hardin and Logan counties, Ohio (Scioto Ridge Wind Farm). *In re Hardin Wind LLC*, Case Nos. 13-1177-EL-BGN, et al., (*Hardin I Case*), Opinion, Order and Certificate (Mar. 17, 2014). The Board granted Hardin Wind's applications pursuant to a joint stipulation filed by Hardin Wind, the Ohio Farm Bureau Federation, and Staff, subject to 28 conditions.

{¶ 2} On September 11 and 12, 2014, as revised on December 12, 2014, in Case No. 14-1557-EL-BGA (14-1557), Hardin Wind filed an application proposing certain changes to the certificate issued in the *Hardin I Case*. On November 12, 2015, the Board granted Hardin Wind's application, subject to the conditions set forth in the *Hardin I Case* Order and additional conditions set forth in the Order on Certificate.

{¶ 3} On April 8, 2016, Hardin Wind filed an application in Case No. 16-725-EL-BGA (16-725) proposing a capacity increase from 2.0 megawatt (MW) to 2.5 MW for a previously certificated turbine model in the *Hardin I Case*. As in 14-1557, on May 19, 2016, the Board issued an Order on Certificate approving the application, subject to the conditions set forth in the *Hardin I Case*, 14-1557, and additional conditions set forth in the Order on Certificate.

{¶ 4} On August 16, 2016, Hardin Wind filed an application in Case No. 16-1717-EL-BGA (16-1717) proposing to use the 2.2 MW version of the Vestas V110 wind turbine

previously approved in the *Hardin I Case*. On October 25, 2016, the Board issued an Order on Certificate approving the application, subject to the conditions set forth in the *Hardin I Case*, in 14-1557 and 16-725, and additional conditions set forth in the Order on Certificate.

{¶ 5} Thereafter, on March 20, 2017, Hardin Wind filed an application in the above-captioned case proposing an additional change to the certificate approved in the *Hardin I Case*, and modified in 14-1557, 16-725, and 16-1717. Contemporaneously, in the above-captioned case, Hardin Wind filed a motion for a waiver from Ohio Adm.Code 4906-3-11(B)(2)(a)(iii), which requires an applicant to serve a copy of the application upon any property owners along the new route. In its memorandum in support, Hardin Wind asserts that the sole purpose of its application is to seek to utilize the 3.4 MW version of the previously approved RePower (now called Senvion) M122 3.0 MW model and the 3.6 MW version of the previously approved Nordex N117 2.4 MW turbine. Hardin Wind further asserts that the only substantive differences between the currently approved versions and the proposed versions are the increase in capacity, and that all other significant features remain the same, including rotor diameter, hub height, and maximum operations sound power output. Additionally, Hardin Wind contends that Ohio Adm.Code 4906-3-11(B)(2)(a)(iii) would require it to serve the application on each and every landowner in and adjacent to the project area, which traverses six townships and two counties. Hardin Wind argues that, given the minor nature of the requested change and expense of a mass mailing, good cause exists for waiver. Further, Hardin Wind states that, as an alternative to the mass mailing, if granted the waiver, it will publish newspaper notice of the application describing the nature of the requested change. Hardin Wind asserts that newspaper notification ensures that landowners will have appropriate notice. Finally, Hardin Wind notes that it will serve all other parties required to be served by Ohio Adm.Code 4906-3-11(B)(2)(a), including county and township officials and parties that intervened in the *Hardin I Case* and in 14-1557, 16-725, and 16-1717. As a final point, Hardin Wind notes that similar motions were granted by the ALJ in 16-725 and 16-1717.

{¶ 6} No party filed a memorandum contra Hardin Wind's motion for a waiver.

{¶ 7} Ohio Adm.Code 4906-3-01 provides that, where good cause exists, the administrative law judge (ALJ) may permit departure from Ohio Adm.Code Chapter 4906-3 upon motion filed by a party, other than a requirement mandated by statute. Upon review, the ALJ finds that Hardin Wind's motion for a waiver of Ohio Adm.Code 4906-3-11(B)(2)(a)(iii) is reasonable and should be granted. The ALJ directs Hardin Wind, as discussed in its motion for a waiver, to publish newspaper notice of the application describing the nature of the requested change and to serve the required county and township officials and parties that intervened in the *Hardin I Case* and in 14-1557, 16-725, and 16-1717.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That Hardin Wind's motion for a waiver of Ohio Adm.Code 4906-3-11(B)(2)(a)(iii) be granted. It is, further,

{¶ 10} ORDERED, That Hardin Wind publish newspaper notice and serve required officials and parties as set forth in Paragraph 7. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD

s/Megan Addison

By: Megan J. Addison
Administrative Law Judge

JRJ/sc

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in

Case No(s). 17-0759-EL-BGA

Summary: Administrative Law Judge Entry granting Hardin Wind's motion for a waiver of Ohio Adm.Code 4906-3-11(B)(2)(a)(iii). - electronically filed by Sandra Coffey on behalf of Megan Addison, Attorney Examiner, Public Utilities Commission of Ohio